

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 ROBERT A. GIBBS,

12 Petitioner,

13 v.

14 UNKNOWN,

15 Respondent.  
16

No. 2:21-cv-02023-TLN-CKD

**ORDER**

17 Petitioner, proceeding pro se, has filed an application for a writ of habeas corpus pursuant  
18 to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28  
19 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On May 5, 2022, the magistrate judge filed findings and recommendations herein which  
21 were served on Petitioner and which contained notice to Petitioner that any objections to the  
22 findings and recommendations were to be filed within fourteen days. (ECF No. 6.) Petitioner has  
23 filed objections to the findings and recommendations. (ECF No. 8.)

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
25 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the

26 ///

27 ///

28 ///

1 Court finds the findings and recommendations to be supported by the record and by proper  
2 analysis.<sup>1</sup>

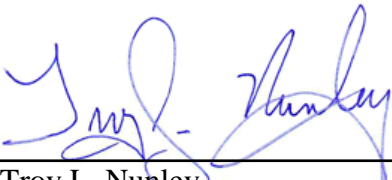
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Findings and Recommendations filed May 5, 2022, (ECF No. 6), are adopted in  
5 full;

6 2. Petitioner's Application for a Writ of Habeas Corpus is DISMISSED for failure to  
7 exhaust state remedies; and

8 3. The Court declines to issue the Certificate of Appealability referenced in 28 U.S.C. §  
9 2253.

10 **DATED: July 8, 2022**

11  
12  
13  
14   
15

Troy L. Nunley  
United States District Judge

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 <sup>1</sup> The magistrate judge recommends that this action be dismissed for Petitioner's failure to  
27 exhaust state court remedies. In his objections, Petitioner asserts he was not able to file an appeal  
28 with respect to his claims. Even if that is that case, Petitioner does not point to anything  
suggesting he properly submitted his claims to the California Supreme Court via California's  
process for collateral review, Cal. Penal Code §§ 1473–1509.1.